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Remarks

The present response is to the Office Action mailed in the above-referenced case on March 07, 2007, made final. Claims 1-5, 8-24 and 27-34 are standing for examination. Claims 1-5, 9-17, 20-24 and 28-32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill et al. (US 6738803B1) hereinafter Dodrill, in view of Butler et al. (US 6460057B1) hereinafter Butler, and further in view of Pickering (US 6704708B1) hereinafter Pickering. 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill, in view of Butler, in view of Pickering and further in view of Uppaluru (US 6400806B1) hereinafter Uppaluru. Claims 18-19 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill, Butler, Pickering and further in view of Da Costa (US 6665658B1) hereinafter Da Costa.

Applicant has carefully studied the art presented and relied upon by the Examiner, and the Examiner's rejection and statements of the instant Office Action. In response, applicant herein amends claims 1 and 20 and presents arguments which clearly differentiate applicant's claimed subject matter, as amended, from the teachings in the art as presented by the Examiner.

Applicant previously argued that; "Dodrill fails to teach locating applications on a network. Dodrill clearly teaches that all applications are stored in a database locally in the gateserver, therefore, there is no need to receive information regarding available applications on the Internet with location information to said applications."

The Examiner responds to the above argument stating; "However, the Examiner finds that the Applicants' arguments are not persuasive because Dodrill discloses, "the proxy browser 62 and the web browser 56 within the fat client 42a and the thin client 42b execute voice enabled web applications by sending data and requests to a web server 64" (Dodrill, col. 7, lines 46-49) and "the web server 64 preferably serves as an interface between the browsers and an application server 66 that provides an executable runtime environment for XML voice applications 68" (Dodrill, col. 7, lines 54-57). Hence,

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Dodrill teaches of the server receiving requests for accessing voice-enabled applications from clients over the network. In addition, Dodrill discloses, "for example, the web server 64 may access the application server 66 across a common Gateway Interface (CGI), by issuing a function call across an application programming interface (API), or by requesting a published XML document or an audio file requested by one of the browsers 56 and 62. The application server 66, in response to receiving a request from the web server 64, may either supply the requested information in the form of an HTML page having XML tags for audio control by a voice resource within the browser" (Dodrill, col. 7, lines 57-66). Hence, Dodrill teaches of the web server accessing the XML voice applications on behalf of the user by requesting the XML documents via the HTTP connection. Therefore, in this particular embodiment, Dodrill teaches of two separate entities, which are the web server 64 and the application server 66, communicating via the HTTP connection on an Internet Protocol (IP) network."

In response to the Examiner's arguments above, applicant points out that Dodrill teaches a system for providing audio control to clients operating communication devices that may not be adequately equipped to download and execute digital audio files. The system uses a proxy server to connect to said thin and fat clients access Web pages requested by said communication devices and Dodrill then scans the page for XML tags, etc. to determine the type of information available at the Web page, then converts, if necessary, audio information from the Web page to a format suitable for the requesting communication device. The Web applications referenced in the teaching are held at the system of Dodrill or executed at the communication device. These are not voice applications or voice application data located at a remote Web site on the Internet, as claimed.

Applicant's limitation in question reads; " receiving voice application data over an Internet network, wherein the voice application data includes location data to indicate where the voice applications are located on a remote Web site on the Internet network;" The Examiner relies upon col. 8, lines 1-14 and lines 54-67 of said column to teach applicant's limitation. This portion of Dodrill reads:

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"In particular, the application server 66 may either access static XML pages, or the application server 66 may access stored XML application pages (i.e., pages that define an application) and in response generate new XML pages during runtime and supply the generated XML pages to the web server 64. Since multiple transactions may need to occur between the browser 56 or 62 and the application server 66, the application server 66 may store for each existing session a data record, referred to as a "brownie", that identifies the state of the existing session; hence, the application server 66 can instantiate a procedure, return the necessary data, and terminate the procedure without the necessity of maintaining the instance running throughout the entire user session."

Applicant argues, that when read in context, the above portion of Dodrill clearly is referring to XML pages stored at the application server 66 to perform the needed service of audio control for the user's communication device via communication with the browsers 56 or 62 accessed by said communication devices (fat or thin clients). Dodrill fails to teach, "wherein the voice application data includes location data to indicate where the voice applications are located on a remote Web site on the Internet network" as recited in applicant's claims 1 and 20. Dodrill has absolutely no motivation to receive information regarding the location of voice applications stored on remote Web sites on the Internet because either the user executes the applications or they are stored at the application server 66 for use in accessing audio files stored on Web pages accessed by browsers 56 and 62 on behalf of users operating the communication devices.

Regarding the Examiner's reliance upon Butler to teach storing voice application data according to taxonomy of the application, applicant herein amends claims 1 and 20 to recite that the voice application data is stored in accordance with a predetermined voice application taxonomy, wherein the taxonomy includes at least indexing voice applications based upon what resources are required to operate each voice application and type of telephony service represented by the application data. Therefore, applicant argues the art of Butler no longer reads on said claim limitation, as amended.

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The Examiner's rejections of claims 2, 11-12, 21 and 30 are moot in view of applicant's amended claims 1 and 20, as said claims depend from amended subject matter of independent claims 1 and 20.

Applicant believes claims 1 and 20, as amended and argued above, are patentable over the art provided by the Examiner. Claims 2-5, 8-18, 21-24 and 27-34 are patentable on their own merits, or at least as depended from a patentable claim.

It is therefore respectfully requested that this application be reconsidered, the claims be allowed, and that this case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted,
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